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IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

FIFTY-SEVENTH LEGISLATIVE DAY
MONDAY, MARCH 8, 2004

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Burkett, Malepeai, Noble, Pearce, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Teri Roderick, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 5, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Pearce and Sweet were recorded present at this order of business.

March 5, 2004

The JUDICIARY AND RULES Committee reports that **S 1278**, **SCR 122**, and **SJM 108** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1278**, **SCR 122**, and **SJM 108** and ordered them transmitted to the House for the signature of the Speaker.

March 5, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 123** and **SJM 107** were delivered to the Office of the Secretary of State at 1:30 p.m., March 5, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 5, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **S 1238** and **S 1265** were delivered to the Office of the Governor at 1:50 p.m., March 5, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 5, 2004

The JUDICIARY AND RULES Committee reports out **S 1420**, **H 564**, **H 587**, as amended, and **H 727** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1420, **H 564**, **H 587**, as amended, and **H 727** were filed for second reading.

March 5, 2004

The EDUCATION Committee reports out **S 1327** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

SCHROEDER, Chairman

There being no objection, **S 1327** was referred to the Fourteenth Order of Business, General Calendar.

March 5, 2004

The HEALTH AND WELFARE Committee reports out **H 693** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BRANDT, Chairman

There being no objection, **H 693** was referred to the Fourteenth Order of Business, General Calendar.

March 5, 2004

The HEALTH AND WELFARE Committee reports out **H 658**, **H 697**, **HCR 40**, and **HJM 17** with the recommendation that they do pass.

BRANDT, Chairman

H 658 and **H 697** were filed for second reading.

HCR 40 and **HJM 17** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 5, 2004

The AGRICULTURAL AFFAIRS Committee reports out **H 677** and **H 683** with the recommendation that they do pass.

WILLIAMS, Chairman

H 677 and **H 683** were filed for second reading.

March 5, 2004

The STATE AFFAIRS Committee reports out **H 624**, **HCR 39**, and **HCR 45** with the recommendation that they do pass.

SORENSEN, Chairman

H 624 was filed for second reading.

HCR 39 and **HCR 45** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 8, 2004

The FINANCE Committee reports out **H 783**, **H 784**, **H 785**, and **H 786** with the recommendation that they do pass.

CAMERON, Chairman

H 783, **H 784**, **H 785**, and **H 786** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 5, 2004

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1207, S 1208, S 1209, S 1226, S 1238, S 1265

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 5, 2004

Mr. President:

I transmit herewith **H 789, H 790, H 791, H 792, H 793, H 794, H 795, H 801, HCR 50, HCR 54, HJM 22, H 738, H 745, and H 802** which have passed the House.

JUKER, Chief Clerk

H 789, H 790, H 791, H 792, H 793, H 794, H 795, H 801, HCR 50, HCR 54, HJM 22, H 738, H 745, and H 802 were filed for first reading.

March 5, 2004

Mr. President:

I return herewith **S 1381, S 1385, S 1386, S 1387, S 1396, S 1397, S 1398, S 1399, S 1400, S 1401, S 1402, S 1403, S 1404, and S 1405** which have passed the House.

JUKER, Chief Clerk

S 1381, S 1385, S 1386, S 1387, S 1396, S 1397, S 1398, S 1399, S 1400, S 1401, S 1402, S 1403, S 1404, and S 1405 were referred to the Judiciary and Rules Committee for enrolling.

March 5, 2004

Mr. President:

I return herewith Enrolled **S 1227, S 1228, S 1252, S 1277, S 1365, and S 1377** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1227, S 1228, S 1252, S 1277, S 1365, and S 1377** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Malepeai was recorded present at this order of business.

On request by Senator McWilliams, granted by unanimous consent, **HJM 15** retained its place on the calendar for one legislative day.

On request by Senator Schroeder, granted by unanimous consent, **SCR 133** was referred to the Education Committee.

The President announced that **SR 109** was before the Senate for final consideration. The question being, "Shall the resolution be adopted?"

On motion by Senator Davis, seconded by Senator Stennett, **SR 109** was adopted by voice vote, title was approved, and the resolution ordered filed in the office of the Secretary of the Senate.

Senators Burkett and Noble were recorded present at this order of business.

The President announced that **HCR 51** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Brandt, seconded by Senator Kennedy, **HCR 51** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

President Risch called President Pro Tempore Geddes to the Chair.

The President Pro Tempore announced that **HCR 47** was before the Senate for final consideration.

Moved by Senator Cameron, seconded by Senator Malepeai, that **HCR 47** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **HCR 47** adopted, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1440

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE UNIFORM COMMERCIAL CODE; REPEALING SECTION 28-1-201, IDAHO CODE, RELATING TO GENERAL DEFINITIONS; AND AMENDING PART 2, CHAPTER 1, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-1-201, IDAHO CODE, TO DEFINE TERMS.

S 1440 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 789, H 790, H 791, H 792, H 793, H 794, H 795, and **H 801**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

HCR 50, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

HCR 54 and **HJM 22**, by Education Committee, were introduced, read at length, and referred to the State Affairs Committee.

H 738, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 745, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 802, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 768, by Appropriations Committee, was read the second time at length and filed for third reading.

S 1352, by Education Committee, was read the second time at length and filed for third reading.

S 1292, by Health and Welfare Committee, was read the second time at length and filed for third reading.

H 627, by Health and Welfare Committee, was read the second time at length and filed for third reading.

H 706, by Business Committee, was read the second time at length and filed for third reading.

S 1391 and **S 1393**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

H 570, by Business Committee, was read the second time at length and filed for third reading.

S 1389, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1438, by State Affairs Committee, was read the second time at length and filed for third reading.

H 604, as amended, **H 616, H 654,** and **H 684**, by Transportation and Defense Committee, were read the second time at length and filed for third reading.

S 1439, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

President Risch returned to the Chair.

S 1415 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate.

Moved by Senator Kennedy, seconded by Senator Stennett, that **S 1415** be referred to the Fourteenth Order of Business for amendment. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Kennedy, Calabretta, and Werk.

Roll call resulted as follows:

AYES--Burkett, Calabretta, Kennedy, Malepeai, Marley, Stennett, Werk. Total - 7.

NAYS--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Sweet, Williams. Total - 27.

Absent and excused--Ingram. Total - 1.

Total - 35.

Whereupon the President declared that the motion did not prevail. The question being, "Shall **S 1415** pass?"

Senator Calabretta requested unanimous consent that **S 1415** be recommitted to the Finance Committee.

Senator Cameron objected.

Moved by Senator Calabretta, seconded by Senator Werk, that **S 1415** be recommitted to the Finance Committee.

The President declared that the motion, by voice vote, did not prevail. The question being, Shall **S 1415** pass?"

Roll call vote resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 27.

NAYS--Burkett, Calabretta, Kennedy, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

Total - 35.

Whereupon the President declared **S 1415** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Little to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Little, Chairman of the Committee of the Whole, reported out **S 1287, S 1271, S 1301, S 1321, H 560, H 473, H 520, and S 1327** without recommendation, amended as follows:

SENATE AMENDMENT TO S 1287

AMENDMENT TO SECTION 2

On page 3 of the printed bill, in line 34, delete "and"; delete lines 35 through 37 and insert: "ply with any local, state or federal regulations, rules or statutes, and shall be limited to the regulation of vehicular speed, weight, length and height. Ordinances created or passed under the provisions of this section shall not allow for the imposition of developmental impact fees, nor shall this section apply to the powers and duties conferred on countywide highway districts as identified in chapter 14, title 40, Idaho Code. The"; delete lines 45 through 47; and in line 48, delete "publication" and insert: "manner".

SENATE AMENDMENT TO S 1271

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 40, delete "Political" and insert: "Unless otherwise prohibited by a city or county ordinance, political".

AMENDMENT TO SECTION 2

On page 2, following line 46 insert:

"(i) Such ads are not otherwise prohibited by a city or county ordinance;";
in line 47, delete "(i)" and insert: "(ii)"; in line 49, delete "(ii)" and insert: "(iii)"; and in line 51, delete "(iii)" and insert: "(iv)".

SENATE AMENDMENT TO S 1301

AMENDMENTS TO SECTION 2

On page 3 of the printed bill, in line 37, following "application" insert: "or no later than forty-five (45) days after an application has been filed"; in line 49, following "obligated persons" insert: ". and given the information available at the time the application or claim for other resources is filed,"; in line 53, following "erage of" delete "all"; following line 53, insert:

"(iv) In the discretion of the board, bills on a delayed application which would not have been covered by a successful application or timely claim to the other resource(s) may be denied by the board as untimely; and";
and on page 4, in line 1, delete "(iv)" and insert: "(v)".

SENATE AMENDMENTS TO S 1321

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 29 through 40 and insert:

"decision. Facts pertinent to making the decision shall include, but not be limited to:

(a) A description of any proposed treatment or procedure;
 (b) Any reasonably foreseeable complications and risks to the patient from such procedure, including those related to future reproductive health; ~~and~~

(c) The manner in which such procedure and its foreseeable complications and risks compare with those of each readily available alternative to such procedure, including childbirth and adoption;

(d) The pregnant patient's right not to have an abortion;

(e) The pregnant patient has been informed of the options to abortion available; and

(f) Confirmation that the pregnant patient has received the informed consent materials provided by the department at least twenty-four (24) hours before the procedure is to be performed.

The physician must provide the information in terms which can be understood by the person making the decision, with consideration of age, level of maturity and intellectual capability."; delete lines 41 through 43; and on page 2, delete lines 1 and 2 and insert:

"(6) (a) "Medical emergency" means a sudden and unexpected physical condition which, in the reasonable medical judgment of any ordinarily prudent physician acting under the circumstances and conditions then existing, is abnormal and so complicates the medical condition of the pregnant patient as to necessitate the immediate causing or performing of an abortion:

(i) To prevent her death; or

(ii) Because a delay in causing or performing an abortion will create serious risk of immediate, substantial and irreversible impairment of a major physical bodily function of the patient.

(b) The term "medical emergency" does not include:

(i) Any physical condition that would be expected to occur in normal pregnancies of women of similar age, physical condition and gestation; or

(ii) Any condition that is predominantly psychological or psychiatric in nature."

AMENDMENTS TO SECTION 2

On page 3, in line 7, delete "any person" and insert: "the pregnant patient or immediate family member"; and in line 12, delete "(i)2." and insert: ", Idaho Code.".

AMENDMENTS TO SECTION 4

On page 3, in line 37, delete "(4)" and insert: "(3)"; in line 48, following "printed." insert: "If compliance with this provision is obtained by the pregnant patient's accessing of materials on the website, the physician is required to provide the pregnant patient with a printed copy of the information provided by the department prior to the performing of an abortion."

On page 4, in line 30, delete "(4)" and insert: "(3)", and also in line 30, following "be" insert: "obtained from any public health district office or regional office of the department of health and welfare or"; and following line 32, insert:

"(iii) The physician must provide the information required in section 18-604(5), Idaho Code, during a face-to-face meeting with the patient prior to the abortion. This face-to-face consultation with the physician shall not occur until after the requirements of section 18-609(1)(b)(i)1., Idaho Code, have been met. All physicians who use ultrasound equipment in the performance of an abortion shall inform the patient that she has the right to view the ultrasound image of the fetus before an abortion is performed."

On page 5, delete lines 2 through 19; in line 20, delete "(3)" and insert: "(2)"; in line 25, delete "(4)" and insert: "(3)"; and delete lines 41 through 45 and insert: "which they might be contacted;".

On page 6, following line 11, insert:

"(d) Information on the availability of medical assistance benefits for prenatal care, childbirth and neonatal care;

(e) A statement conveying that it is unlawful for any person to coerce a woman to undergo an abortion;

(f) A statement conveying that the state of Idaho prefers childbirth over abortion;";

in line 12, delete "(d)" and insert: "(g)"; delete lines 16 and 17 and insert:

"(h) A form upon which a physician or the physician's agent caused to be delivered to the director of the"; following line 28, insert:

"(4) Every facility in which abortions are performed shall immediately provide the printed informed consent materials."; in line 31, delete "(4)" and insert: "(3)"; and following line 40, insert:

"(7) The department shall annually review the material to ensure that it contains any new medical research pertinent to a pregnant patient's decision on abortion and to ensure that the information about private and public agencies is accurate and helpful.

(8) The department shall compile and report the following information annually, preserving physician and patient confidentiality:

(a) The total amount of informed consent material required in this section that was distributed;

(b) The number of women who obtained abortions in this state without receiving those materials;

(c) Any other information pertaining to protecting the informed consent of women seeking abortions.

(9) The department shall annually report to the health and welfare committees of the senate and the house of representatives of the legislature of the state of Idaho, as well as the attorney general, regarding the information required in subsection (7) of this section and provide a copy of the printed materials to those committees.

(10) The department shall refer to the attorney general for further investigation cases of suspected violations of the provisions of this chapter."

AMENDMENT TO THE BILL

On page 6, delete lines 41 through 45 and insert:

"SECTION 5. That Chapter 6, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-613A, Idaho Code, and to read as follows:

18-613A. ATTORNEY GENERAL MAY ACT AS PROSECUTOR. Upon referral by the department of health and welfare, the office of the attorney general shall undertake any reasonable enforcement actions. The attorney general shall, in every county in the state, have the same powers as the prosecuting attorney thereof with respect to the investigation and prosecution of criminal actions under this chapter.

SECTION 6. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act."

CORRECTION TO TITLE

On page 1, in line 4, delete "ANY PERSON" and insert: "THE PREGNANT PATIENT OR IMMEDIATE FAMILY MEMBER"; delete line 9 and insert: "PROVIDE FOR NOTICE; AMENDING CHAPTER 6, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-613A, IDAHO CODE, TO PROVIDE CIRCUMSTANCES WHEN THE ATTORNEY GENERAL MAY ACT AS PROSECUTOR; AND PROVIDING SEVERABILITY."

SENATE AMENDMENT TO H 560

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 11, delete "two hundred fifty (250)" and insert: "one hundred twenty-five (125)".

SENATE AMENDMENT TO H 473

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 27, delete "and best" and insert: "~~and best~~ responsible"; in line 33, delete "and best" and insert: "responsible"; in line 35, delete "and best" and insert: "responsible".

On page 2, in line 2, delete "and best" and insert: "responsible"; and in line 4, delete "and best" and insert: "responsible".

CORRECTION TO TITLE

On page 1, in line 8, delete "AND BEST" and insert: "RESPONSIBLE".

SENATE AMENDMENT TO H 520

AMENDMENT TO SECTION 2

On page 2 of the printed bill, delete lines 19 and 20 and insert:

"(g) Burglary (sections 18-1401 and 18-1405, Idaho Code), except those convictions in which the defendant entered a retail mercantile establishment and the offense took place when the victim was open to the public for business and the defendant committed a theft and his actions did not constitute grand theft as defined in chapter 24, title 18, Idaho Code;".

CORRECTION TO TITLE

On page 1, in line 5, delete "FELONY BURGLARY" and insert: "BURGLARY".

SENATE AMENDMENT TO S 1327

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 32, delete "If a charter school"; delete lines 33 and 34; and in line 35, delete "as the probation is lifted."

The Committee also has S 1233, S 1286, S 1351, S1375, S 1314, S1346, and H 693 under consideration, reports progress, and begs leave to sit again

LITTLE, Chairman

On motion by Senator Little, seconded by Senator Burkett, the report was adopted by voice vote.

S 1287, as amended, S 1271, as amended, S 1301 as amended, S 1321, as amended, and S 1327, as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 560, as amended in the Senate, H 473, as amended in the Senate, and H 520, as amended in the Senate, were filed for first reading as amended and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:15 p.m. until the hour of 4 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senators Brandt, Malepeai, Sorensen, and Stennett, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

President Risch assumed the Chair.

Senators Brandt, Malepeai, and Sorensen were recorded present at this order of business.

S 1270 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Gannon and Werk arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Burkett, Calabretta, Gannon, Kennedy, Malepeai, Marley, McWilliams, Noh, Schroeder, Werk. Total - 11.

NAYS--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, Noble, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 23.

Absent and excused--Stennett. Total - 1.

Total - 35.

Whereupon the President declared that **S1270** had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

The President called Senator Darrington to the Chair.

S 1275 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Sweet, Williams. Total - 31.

NAYS--Little. Total - 1.

Absent and excused--Keough, Stennett, Werk. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1275** passed, title was approved, and the bill ordered transmitted to the House.

Senator Stennett was recorded present at this order of business.

S 1395 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Marley and Brandt arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Gannon, Ingram, Keough, Malepeai, Marley, McWilliams, Stennett. Total - 11.

NAYS--Andreason, Burkett, Calabretta, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Kennedy, Little, Lodge, McKenzie, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Sweet, Werk, Williams. Total - 24.

Total - 35.

Whereupon the Acting President declared that **S 1395** had failed to pass the Senate and ordered the bill ordered filed in the office of the Secretary of the Senate.

S 1423 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1423** passed, title was approved, and the bill ordered transmitted to the House.

S 1424 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1424** passed, title was approved, and the bill ordered transmitted to the House.

The President returned to the Chair.

S 1425 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Sweet, Williams. Total - 28.

NAYS--Burkett, Calabretta, Kennedy, Marley, Stennett, Werk. Total - 6.

Absent and excused--Malepeai. Total - 1.

Total - 35.

Whereupon the President declared **S 1425** passed, title was approved, and the bill ordered transmitted to the House.

S 1426 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1426** passed, title was approved, and the bill ordered transmitted to the House.

S 1427 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1427** passed, title was approved, and the bill ordered transmitted to the House.

S 1428 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 26.

NAYS--Burkett, Calabretta, Kennedy, Malepeai, Marley, McWilliams, Schroeder, Stennett, Werk. Total - 9.

Total - 35.

Whereupon the President declared **S 1428** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Cameron, granted by unanimous consent, **S 1429** was recommitted to the Finance Committee.

S 1262, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1262**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1280, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1280**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:05 p.m. until the hour of 9:30 a.m., Tuesday, March 9, 2004.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary